



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 2, 1994

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342-0099

OR94-058

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 22724.

The Texas Department of Criminal Justice, Institutional Division, (the "department") has received a request for certain videotapes. You have submitted a representative sample of the requested information to us for review. You seek to withhold the requested information under sections 552.101 and 552.107 of the act. We have examined the information submitted to us for review. In view of the intimate material shown on the tapes, and the fact that it is not of legitimate concern to the public, we conclude that you may withhold the requested tapes under section 552.101 in conjunction with the doctrine of common-law privacy. *See, e.g., Industrial Foundation of the South v. Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in dark ink, appearing to read "William Walker", is written over the typed name.

William Walker
Assistant Attorney General
Open Government Section

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

MBJ/GCK/rho

Ref.: ID# 22724
ID# 23001
ID# 23055
ID# 23120

Enclosures: Submitted videotape

cc: Mr. Dan Staley
Reporter KTXS News
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(w/o enclosures)

Ms. Peggy Carpenter
New Director
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